

AGENDA
Regular Monthly Meeting of the Stephens City Town Council
Tuesday, August 4, 2020
6:00 pm

1. Call meeting to order – Mayor Michael Diaz
2. Opening:
 - A. Pledge of Allegiance to the Flag
 - B. Moment of Silence
 - C. Roll Call of Town Council
3. Public Comment
4. Approval of Minutes – Regular July 7, 2020
5. Treasurer’s Report – Stephen Rickards, Town Treasurer
6. Police Report – Major Steve Hawkins, Interim Chief
7. SCVFD Report – Timothy Vaught, Fire Chief
8. Action Agenda
 - A. Schedule public hearing for Floodplain Ordinance amendments
9. Committee Reports
 - A. Finance Committee – Joseph Hollis, Chair –No Meeting
 - B. Personnel Committee – Ron Bowers, Chair – No Meeting
 - C. Public Safety Committee – Jason Nauman, Chair – No Meeting
 - D. Public Works Committee – Tina Stevens, Chair – No Meeting
 - E. Ordinance Committee- Regina Swygert-Smith Chair – No Meeting
 - F. Parks & Recreation Commission – Ronald Bowers Chair – No Meeting
 - G. Planning Commission – Linden A. Fravel Jr. Chair – Meeting
 - H. Newtown Heritage Festival Committee – No Meeting

Approval of Committee Minutes and reports
10. Manager’s Report – Mike Majher, Town Manager
12. Council Comment / Calendar
13. Adjourn

**REGULAR MONTHLY MEETING
OF THE STEPHENS CITY TOWN COUNCIL
TUESDAY, August 4, 2020
6:00 PM**

Mayor Diaz called the meeting to order at 6:03 pm and led the Pledge of Allegiance.

Mayor Diaz asked that we observe a moment of silence.

Roll was called with the following members present:

Mayor Diaz, Vice-Mayor Nauman-remotely, Councilman Fravel, Councilman Hollis-remotely,
Councilwoman Stevens, Councilwoman Swygert-Smith-remotely

Absent: Councilman Bowers

Staff present: Mike Majher, Town Manager; Kelly Thatcher, Deputy Town Clerk; Dave Griffin, Town Attorney;
Timothy Vaught, Fire Chief, Steve Hawkins, Interim Police Chief

Absent: Steve Rickards, Town Treasurer

Guests: Josh Janney, Winchester Star; Kelly Bartles 399 Oriole Drive; Billy Staples 557 Marlboro Road

PUBLIC COMMENT

Mayor Diaz asked if anyone from the public had comments. Mr. Staples addressed council with his concerns about the area on Fairfax Street just across the railroad tracks. He wanted to know if there was anyway that the town can do something about it. Mike Majher informed Mr. Staples that we are trying to get a Blight Grant and that we are working with SERCAP to help the owners improve their properties. Mr. Staples knew that taxes were owed on those properties and inquired if there was a lien on them. There is no lien on the property. Kelly Bartles then spoke to council stating that Mr. Staples was her father and that he was concerned because he had been told that his property was going to be annexed into the Town. Mike Majher assured him that that was not the case.

MINUTES – REGULAR MEETING OF July 7, 2020

Councilman Fravel moved for approval of the minutes of the regular Town Council Meeting of July 7, 2020. The Motion carried with the following VOTE:

Fravel-Aye	Hollis-Aye
Nauman-Aye	Swygert-Smith-Aye
Stevens-Aye	
Absent- Bowers	

TREASURER’S REPORT – Report attached

Town Treasurer Steve Rickards was absent. Town Manager Mike Majher stated that the town had a very robust month, that even though we are going through a global pandemic, the town was unaffected. He also stated that wrapping up the fiscal year the town is net positive. Mayor Diaz wanted to congratulate Steve on the birth of his new baby boy. Councilman Hollis requested a 5 year expenditure report.

POLICE REPORT – Report attached

Major Hawkins read his report. He then mentioned that Tyler Payne had resigned. He also stated that Officer Copp had been injured on the job, getting bit by a dog. He let Council now that Officer Copp would be on light duty for a week.

SCVFD REPORT- Timothy Vaught

Fire Chief Timothy Vaught read his report. He then said that the company had had a busy and eventful month. He let Council know that Fire Chief Linaberg had retired. He stated that Assistant Chief Majchrzak had been appointed in his place.

ACTION AGENDA

A Public Hearing was scheduled for August 25 at 7:30.

COMMITTEE REPORTS

A. Finance Committee – Joseph Hollis, Chair

No Meeting: No Comments

B. Personnel Committee –Ronald Bowers, Chair

No Meeting: No Comments

C. Public Safety Committee –Jason Nauman, Chair

No Meeting: Vice Mayor Nauman stated that there would be a closed session for a update on the hiring of the police chief.

D. Public Works Committee –Tina Stevens, Chair

No Meeting: Councilor Stevens would like to have a meeting this month.

E. Ordinance and Governments Committee- Regina Swygert-Smith Chair

No Meeting: No Comments

F. Parks and Recreation Commission- Ronald Bowers, Chair

No Meeting: Mayor Diaz was asked by Adam Packham if he could still have his 5k benefit race in September. He informed Adam that he would poll council and let him know. Council decided that they did not feel comfortable going through with it and that it should be cancelled this year.

G. Planning Commission- Linden A. Fravel Jr. Chair

Meeting: Councilor Fravel stated that Billy Clem has asked for a variance so that he can put an entrance at the end of his lot to be used by the business. He let Council know that the Commission had approved this. Councilman Fravel moved to allow the zoning permit/variance 19-20 for Clem's to allow an entrance across their property. The Motion passed with the following roll call Vote:

Fravel-Aye	Hollis-Aye
Nauman-Aye	Swygert-Smith-Aye
Stevens-Aye	
Bowers-Absent	

H. Newtown Heritage Festival Committee

No Meeting: Mayor Diaz informed Council that Amy Grove's father had passed away. He also stated that Tootie Rinker had had surgery and was recovering and doing well.

APPROVAL OF COMMITTEE MINUTES AND REPORTS

Councilor Fravel made a Motion to approve the committee minutes. The minutes were approved with the following Vote

Fravel-Aye	Hollis-Aye
Nauman-Aye	Stevens-Aye

Swygert-Smith-Aye
Absent-Bowers

TOWN MANAGERS REPORT

Town manager Mike Majher reported:

1. Congratulations to Steve on the birth of his baby boy, Hudson.
2. Officer Copp was bitten by a dog while on duty. We wish him a speedy recovery.
3. As part of the ongoing inflow and infiltration work the Public works has completed six manhole repairs. They have been grouted, repaired, and sealed with a poly resin.
4. Late utility notices are going out and they are being warned that we will be starting shut offs soon.
5. The road plan for West Wynd has been approved by VDOT.

COUNCIL COMMENTS/CALENDAR

Mayor Diaz thanked everyone for being here in person and remotely. He informed Council that The Commander in Chief of the VFW would be coming to town on August 11th to take a little tour and to see the Veteran's Memorial.

MOTION FOR CLOSED MEETING

Councilman Fravel made a motion to enter a closed meeting. I move that the Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.1 of the Code of Virginia, as Amended, for the purpose of discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers. The Motion carried with the following roll call Vote:

Fravel-Aye	Hollis-Aye
Nauman-Aye	Swygert-Smith-Aye
Stevens-Aye	
Bowers-Absent	

CERTIFICATION OF CLOSED MEETING

Councilman Fravel made a motion to exit and certify the closed meeting.

WHEREAS, the Council of the Town of Stephens City, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this council that such Closed Meeting was conducted in conformity with Virginia Law,

NOW THEREFORE, BE IT RESOLVED that the council hereby certifies that, to the best of each member's knowledge, [i] only public business matters lawfully exempted from open meeting requirements by Virginia Law were discuss in the closed meeting to which this certification resolution applies, and [ii] only such public business matter as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

And the Motion carried with the following roll call Vote:

Fravel-Aye	Hollis-Aye
Nauman-Aye	Swygert-Smith-Aye
Stevens-Aye	
Bowers-Absent	

Town Council entered Closed Session at 6:50 pm and came into Open Session at 7:30 pm.

There being no further business Councilman Fravel made a motion to adjourn at 7:31 pm and the motion carried unanimously.

Michael A. Diaz, Mayor

Kelly Thatcher, Deputy Town Clerk

Stephens City Volunteer Fire & Rescue Company, Inc.

5346 Mulberry Street, P. O. Box 253, Stephens City, VA 22655

Timothy J. Vaught, Fire & EMS Chief

540-869-4576

Lenny G. Peters, President



Volunteers, Proud to Serve



9-11-2001

Report of the Fire & EMS Chief August 2020

Report of responses for July 2020

Town of Stephens City:

Fire- 3
EMS- 15
MVC- 0

Frederick County:

Fire- 26
EMS- 165
MVC- 12

Total responses for July 2020: 221

Yearly response total as of July 31, 2020: 1461

- Frederick County Fire & Rescue Chief Dennis Linaburg announced his retirement from the department effective January 1, 2021. It is expected that Assistant Chief Majchrzak will be appointed to fill the role and a subsequent competitive process will be held to fill the assistant chief role.
- Sergeant Matt Caplan has applied for and received confirmation of award for an Assistance to Firefighters Grant (AFG) to outfit our station with an exhaust removal system. For those not familiar, this system attaches to the exhaust of the apparatus and prevents, or greatly reduces, the exhaust gases and particles from escaping into the apparatus bays where it is deposited on surfaces and structural firefighting gear stored in lockers. Health studies have shown that this exposure over time contributes to the cancer rate in first responders. This system will aid us in the endeavor to lower first responder exposure to carcinogens. As you can imagine, this grant is of high priority for the AFG program. As such, this grant was awarded at \$99,000 total with a small 'matching' portion provided by the department which is estimated at \$5,000. This leaves the AFG funded portion at approximately \$95,000. Planning has already begun on the installation of this system.
- The MOU between Frederick County, Stephens City Fire and Rescue, and the Virginia Department of Emergency Management (VDEM) for swiftwater services has been signed by the Operational Medical Director of VDEM, executed, and is currently active. There was no statewide deployment for Tropical Storm Isaias and no local requests for water rescue thus far because of the storm.

Respectfully submitted,

Timothy J. Vaught
Fire & EMS Chief

Town of Stephens City Committee Meeting Minutes

Committee: Planning Commission

Date: Tuesday, July 28, 2020 Time: 7:30 pm

Attendees: Commission Members- Chairman Linden Fravel, Paul Culp, Martha Dilg, Robert Wells

Darryl Bell (remotely)

Town Manager Mike Majher, Deputy Town Clerk Kelly Thatcher

Guests: Billy & Kimberly Clem 5172 Steele Court

Amrinder Singh, Sarndeeep Sarkaria, Sashpal Singh 1200 Fairfax Street

Purposes/Subjects to be reviewed:

1. Special Use Permit Application 01-20 Stephens City Truck Services
2. Zoning Permit/Variance 19-20 Clem's Garage
3. Discussion: Planning review of Town Floodplain Ordinances

Brief of Committee Actions and Recommendations:

1. Stephens City Truck Services has applied for a Special Use Permit. They would like to create a parking area for up to 40 trucks and if demand was great they would increase the amount of spaces. Paul Culp asked what the maximum amount of spaces would be. Mr. Singh said anywhere between 100 and 150. Bob Wells wanted to know if these trucks would be running all night and if there was a set fee for the night. Mr. Singh informed the commission that there would be no set fee, the spaces would be rented out weekly or monthly. He also said that the trucks would not be running unless they are refrigerator trucks. The only thing that would be running is the generator that keeps the refrigerator on. The spaces are for overnight parking, catering to local drivers. Darryl Bell voiced his concerns that having this type of business would affect the downtown area and would deter businesses from coming into Stephens City. Bob Wells was wary of bringing more traffic to that area, stating that the traffic light is already a mess with the amount of traffic we already have. Mr. Fravel suggested that there be a limit of 30 spaces and if necessary, they could come back at a later date to request more. Mr. Fravel asked if this Special Use Permit would be tied to the business or the owner. Mr. Majher informed the Commission that it would be tied to the owner. After much discussion the Commission felt that

they needed more input from the public. It was also suggested that there be a joint planning meeting with council.

Paul Culp made the Motion that there be a Public Hearing on August 25th to discuss the Special Use Permit. Bob Wells seconded the Motion. The Motion passed with the following VOTE:

Aye-L. Fravel, Culp, Dilg, Wells

Nay-Bell

Absent-Bauserman, P. Fravel

2. Billy Clem has asked for a Zoning Permit/Variance. He has asked for the variance to be able to put in an access driveway at the back of his property. This access would give Clem's Garage a back access to their business. This would be a gated service entrance for their service vehicles. Mr. Clem stated that VDOT had already signed off and it was all in line with their Specs. Bob Wells thought that this would be safer for the drivers for the business and for the town's traffic. Darryl Bell agreed with that.

Bob Wells made the motion that the Zoning Permit/Variance 19-20 be allowed. Marty Dilg seconded the Motion. The Motion passed with the following VOTE:

Aye-L. Fravel, Bell, Culp, Dilg, Wells

Nay-None

Absent-Bauserman, P. Fravel

3. Mr. Majher informed the Commission that Town Lawyer has been going through the Town's Ordinances and that the Ordinance on the Town Floodplain needed some updating. Mr. Majher explained the updated verbiage and the addition of references.

Bob Wells made the Motion to recommend to Council that the updates be approved. Paul Culp seconded the Motion. The Motion passed with the following VOTE:

Aye-L. Fravel, Bell, Culp, Dilg, Wells

Nay- None

Absent-Bauserman, P. Fravel

There being no more business, Chair Linden Fravel made the Motion to adjourn, The Motion passed unanimously and the meeting was adjourned.



Signature of Chairman

MOTION FOR CLOSED MEETING

Date: August 4, 2020

Motion By:

I move that the Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.1 of the Code of Virginia, 1950, As Amended, for the purpose of discussion, ~~consideration, or interviews of~~ prospective candidates for employment. *for Chief of Police*

VOTE:

Aye –

A

regarding

Joe - A

Regina - A

Tina - A

Jason - A

Ron - Absent

Butch - A

Nay –

Absent/Abstain –

ATTEST: _____

Mike Majher
Town Manager

CERTIFICATION OF CLOSED MEETING

RESOLUTION

Date: August 4, 2020

Motion By:

WHEREAS, the Council of the Town of Stephens City, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such Closed Meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

RECORDED ROLL CALL VOTE:

Aye – "A"

Joe A

Regina A

Tina A

Nay –

Jason A

Absent –

Ron Absent

Abstain –

Butch A

Mike Majher, Town Manager

MOTION FOR CLOSED MEETING

Date: August 31, 2020

Motion By:

I move that the Personnel Committee of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.1 of the Code of Virginia, 1950, As Amended, for the purpose of discussion, consideration, or interviews of prospective candidates for employment.

VOTE:

Aye – NAUMAN
BOWERS
SWYGERT-SMITH
HOLLIS
STEVENS

Nay –

Absent/Abstain - FRAVEL

ATTEST:


Mike Majher
Town Manager

CERTIFICATION OF CLOSED MEETING

RESOLUTION

Date: August 31, 2020

Motion By:

WHEREAS, the Personnel Committee of the Town of Stephens City, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such Closed Meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

RECORDED ROLL CALL VOTE:

Aye – NAUMAN
BOWERS
SWYGERT - SMITH
HOLLIS
STEVENS

Nay –

Absent – FRAVEL

Abstain –



Mike Majher, Town Manager